

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

BLM

CATEGORICAL EXCLUSION

DOI-BLM-UT-G010-2016-0068-CX

COWBOY RANCH ROAD UTU-91887

June, 2016

Location:

Cowboy Ranch Road 0.44 miles south of Wrinkles Road,
T11S R15E SEC 25, N1/2 SW1/4 NE1/4 NE1/4,
Lat 39.83359 N Long -110.17886 W

Applicant/Address:

Rock Solid Designs LLC,
1106 East 2500 South, Naples, Utah 84078

Vernal Field Office
170 South 500 East
Vernal, Utah 84078
435-781-4400
435-781-4410



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CATEGORICAL EXCLUSION

DOI-BLM-UT-G010-2016-0068-CX

INTRODUCTION

Office: Vernal Field Office (LLUTG010)

Lease/Serial/Case File No: UTU-91887

Applicant: Rock Solid Designs LLC

Location of Proposed Action: Cowboy Ranch Road, Duchesne County, Utah

Description of Proposed Action:

Rock Solid Designs proposes to collect 400 tons of dimension stone from Cowboy Ranch Road (see Appendix C), on approximately 4.083 acres. Stone would be collected with hand tools from the ground surface, loaded onto ATV's with trailers and moved to the staging area, palletized, weighed and loaded onto flatbed trucks with a forklift for transport. No access roads would be constructed, however cross country ATV travel would occur, (figure 1, appendix B).

The proposal lies within the same area, and encompasses the same activities as those previously permitted under UTU-91573 and analyzed by DOI-BLM-UT-G010-2016-0030-CX (expires 10/31/2017).

This application was made pursuant to the provisions of 43 CFR 3600, which provides for the disposal of mineral materials at fair market value.

LAND USE PLAN CONFORMANCE

Land Use Plan Name:

2008 Vernal Field Office Record of Decision and Approved Resource Management Plan

Date Approved/Amended: October 2008

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

The Record of Decision, on page 100, makes 389,788 acres available for mineral material disposal with standard and special stipulations. The proposal lies within this designated open area (see Record of Decision Map 9b).

COMPLIANCE WITH NEPA

The action described above generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found to not individually or cumulatively have a significant effect on the human environment. The applicable Categorical Exclusion reference is in 516 DM 11.5 F (10). It reads, "Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas." None of the extraordinary circumstances described in 43 CFR 46.215 applies.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 applies.

Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the proposed action, with the attached stipulations.

Signatures	
/s/ Stephanie Howard	9/9/2016
Stephanie Howard NEPA Coordinator	Date
/s/ Jerry Kenczka	9/9/2016
Jerry Kenczka Assistant Field Manager, Land and Minerals	Date

Point of Contact

Joseph Islas, P.G.
Vernal Field Office
Vernal, Utah 84078
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p:(435) 781-3405

ATTACHMENT 1: EXTRAORDINARY CIRCUMSTANCES WORKSHEET

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply.

Extraordinary Circumstances
1. Would the project have significant impacts on public health or safety?
Rationale: Public health and safety would not be affected by this action. The proponent will abide by all safety procedures for proper use of their equipment as required by law.
Signature and Date: Joseph Islas, Geologist, 7/8/16
2. Would the project have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?
Rationale: The proposal site is located approximately 0.44 miles on Cowboy Ranch Road south of Wrinkles Road (figure 1). The relevant values of cultural resources, special status plants, cultural resources and high quality scenery would not be impacted by the proposed project. The area has been identified as being natural with opportunities for solitude and unconfined primitive recreation. The only impact to these qualities would be at the time of stone removal and every measure will be undertaken to remediate the landscape to conditions designated as VRM Class II "To retain the existing character of the landscape. The level of change to the characteristic landscape should be low". Changes to the landscape would repeat the basic elements of form, line, color and texture found in the natural landscape. After consulting with the specialists in the Vernal Field Office, the VFO RMP and performing spatial analysis using available GIS data layers, no significant impacts would result from the authorization of a contract for sale of stone at this location.
Signature and Date: Joseph Islas, Geologist, 7/8/16
3. Would the project have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)]?
Rationale: Currently there is no controversy or unresolved conflicts detailing the environmental effects of hand gathering surface stone. The stone gathering process would not be involved in controversial environmental effects or any underlying unresolved conflicts concerning alternative uses of the available resources.

Extraordinary Circumstances
Signature and Date: Joseph Islas, Geologist, 7/8/16
4. Would the project have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?
<p>Rationale:</p> <p>The consequences of this action can be fully anticipated at a predictable level, with no potentially significant impacts to the environment.</p>
Signature and Date: Joseph Islas, Geologist, 7/8/16
5. Would the project establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects?
<p>Rationale:</p> <p>This action does not set a standard for future action or represent an inference in principal about future actions with possibly significant environmental impacts. The action is a common occurrence with well-known and potentially insignificant environmental effects.</p>
Signature and Date: Joseph Islas, Geologist, 7/8/16
6. Would the project have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?
<p>Rationale:</p> <p>This action is not connected to any other actions. The proponent may request additional collection permits. If this does take place then there would need to be additional environmental analysis completed for each project.</p>
Signature and Date: Joseph Islas, Geologist, 7/8/16
7. Would the project have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau?
<p>Rationale:</p> <p>An intensive Class III cultural inventory was conducted 08/11/2016 which encompassed 100% of the proposed project area. No cultural resources were observed. A determination of "No historic properties affected" 36 CFR 800.4(1)(1) is made for this undertaking.</p>
Signature and Date: David Grant, Archaeologist, 08/11/2016
8. Would the project have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for

Extraordinary Circumstances
these species?
Rationale for Botany: There are no known locations of threatened, endangered, proposed, or candidate plant species within the proposed project area. However, there are known locations of <i>Hesperidanthus suffrutescens</i> (shrubby reed-mustard) within 0.5 miles of proposed project area. There are also known locations of <i>Sclerocactus wetlandicus</i> (Uinta Basin hookless cactus) within 0.75 miles of the proposed project area. Suitable habitat for both of these species and for the BLM-Sensitive <i>Penstemon grahamii</i> (Graham beardtongue) exists immediately to the south and southwest of the proposed project area. COA: For approval of this permit, adherence to proposed project polygon and avoidance of areas outlined on the attached map (figure A, appendix A stipulations) is required as stone collection here would require 100% clearance surveys.
Signature and Date for Botany: Matt Lewis, Botanist, 07/14/2016
Rationale for Wildlife: There are no threatened, endangered, proposed or candidate species, including their associated habitats, within or near the project area. In further review, there are no BLM and/or State sensitive species known to occur within the project area. No impacts are anticipated from proposed project activities. Migratory birds may be present foraging within the project area; however, only temporary displacement is anticipated and not to a degree where loss of individuals or decrease in population would occur and analysis is needed.
Signature and Date for Wildlife: Brandon McDonald, Wildlife Biologist, 7/7/16
9. Would the project violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment?
Rationale: The proposed project contains no provisions or intentions to violate federal, state, local, or tribal laws and regulations enacted for the security of the environment.
Signature and Date: Joseph Islas, Geologist, 7/8/16
10. Would the project have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?
Rationale: The proposed project contains no adverse effect on low income or minority populations. Project impacts are equally distributed to all demographic populations.
Signature and Date: Joseph Islas, Geologist, 7/8/16
11. Would the project limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
Rationale:

Extraordinary Circumstances
No Traditional Cultural Properties (TCPs) are identified within the APE. The proposed undertaking will not hinder access to or use of Native American religious sites.
Signature and Date: David Grant, Archaeologist, 08/18/2016
12. Would the project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?
Rationale: No. Standard stipulations are included to prevent/control the introduction/ spread of noxious weeds or non-native invasive species. No State of Utah noxious weeds were observed within the proposed project area 07/13/2016. The invasive species <i>Bromus tectorum</i> (cheatgrass) is present in, and around, the proposed project area. Limiting surface disturbance to the least amount possible by staying on designated two tracks and limiting cross country travel as much as possible will help prevent the spread of non-native invasive species. In addition, standard stipulations will prevent the spread of noxious and invasive plant species. COA: No raking of the soil surface is allowed. Limit dragging stones across the soil surface as much as possible.
Signature and Date: Matt Lewis, Botanist, 07/25/2016

Appendix A. Stipulations on UTU-91887

1. If disturbed areas require reseeding the following procedure applies:

A list of recommended seeds to be used should be obtained from the Vernal Field Office prior to reclamation.

All weights are in Pure Live Seed (PLS). The preferred method of application is to drill the seed (the above poundage is the drill seed quantity; however, if sage is required the sage should be broadcast before the drilling occurs). If the seed is aerially applied (i.e., broadcast), then the permittee shall double the pound per acre amount (except for the sage) and the seed must be covered (by harrowing, disking or heavy equipment impacting) immediately following application.

The seed applied must be certified noxious weed free. The permittee shall submit a copy of the constituents list as provided by the seed vendor to the Vernal Field Office within 7 days of application (the seed vendor must provide written information that the seed is noxious weed free).

2. Off-sale soil amendments/supplements may not be brought onto the sale area without the prior consent of the Vernal Field Office. The permittee has the responsibility to prove to the BLM that the material is noxious weed free. The permittee has not indicated hay or straw would be used in reclamation; however, should use of such be allowed in an approved modification, the hay applied must be certified as weed free and a copy of such certification shall be submitted to the Vernal Field Office.

3. The applicant is responsible for the monitoring and control of noxious weed species the Utah BLM, State of Utah and Uintah County have identified for control. The applicant shall control all

such weeds prior to the redistribution of topsoil and shall monitor and control such weeds within the sale area until such time as the BLM finds the reclamation to be satisfactory. The applicant shall monitor and control any noxious weeds 100 feet outside the boundary of the disturbance. The applicant shall contact the Field Office (781-4400) and ask for the person in charge of Noxious Weed Control to discuss what control technique the contractor should use.

4. Any contaminated soil from potential petro-chemical spills is to be hauled away and disposed of in an authorized landfill or disposal area, not on Public Lands.

5. Reclamation Standards. The permittee shall achieve reclamation standards of 80% vegetative cover and 80% species diversity from the pre-mining conditions (including seeding mix). This could require more than one seeding attempt. The pre-mining condition shall only include native and desirable species. To help in re-vegetation the contractor may dig up some of the plants with their roots intact and replant them during reclamation in order to expedite reclamation success.

The authorized officer may waive this stipulation in writing, if after time this standard cannot be achieved. In order to receive the waiver, the contractor must apply to the authorized officer. Written approval must be received prior to the bond release.

6. This approval is only good for five years from the date of the original approval.

7. The purchaser may not remove more than 700 tons of stone. The purchaser shall remove stone only from the designated gathering areas. The removal of stone is restricted to that stone found on the surface. There shall be no excavating of stone in the subsurface or quarrying. The surface stone will be gathered by hand tools only. No mechanized equipment will be allowed to excavate the stone (forklifts, front-end loaders, etc.).

8. The contract sale is not valid beyond its expiration date. Requests for extensions must be made before the sales expiration. Stone sales of Form 3600-9 are not transferable.

9. Roads are not to be built. Egress and regress must be by the existing two track road to the stone outcrops. Disturbances entering onto the existing two track road must be reclaimed to the original pre-excavation conditions.

10. Stone collection is prohibited when the gathering area and dirt access roads are wet or muddy and driving would create ruts.

11. The purchaser is required to have a copy of Form 3600-9 with all attachments in their possession while removing stone from the designated gathering area and when transporting stone.

12. Stipulations 1-5 pertain to any areas of the collection activity that may require reclamation. Areas that will require re-contouring and /or reseeded must be done immediately subsequent to the completion of the 500 ton stone removal. A \$500.00 performance bond will be tendered in addition to the moneys received for the cost of the stone prior to the execution of the contract.

13. Any positively identified Graham's Penstemon or federally listed plant species individuals that are located in the future within the project area will be avoided by at least 300-feet to prevent the negative impacts of surface disturbance on the species. Mitigation measures will be developed if any other bureau sensitive plant species are identified in the future with the project area.

14. Map, Sensitive Plant Species Avoidance Area:

Cowboy Canyon Stone Collection

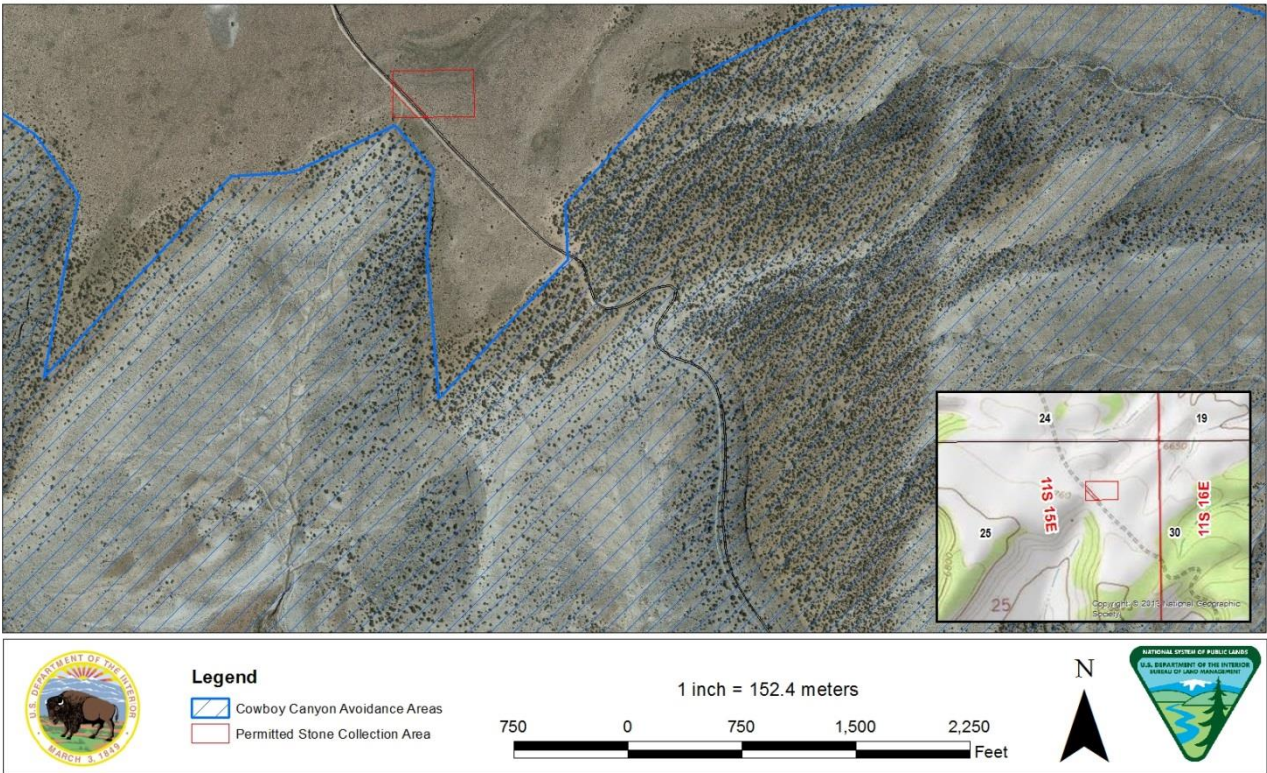


Figure A. Sensitive Plant Species Avoidance Area.

Appendix B. Map and Site Images

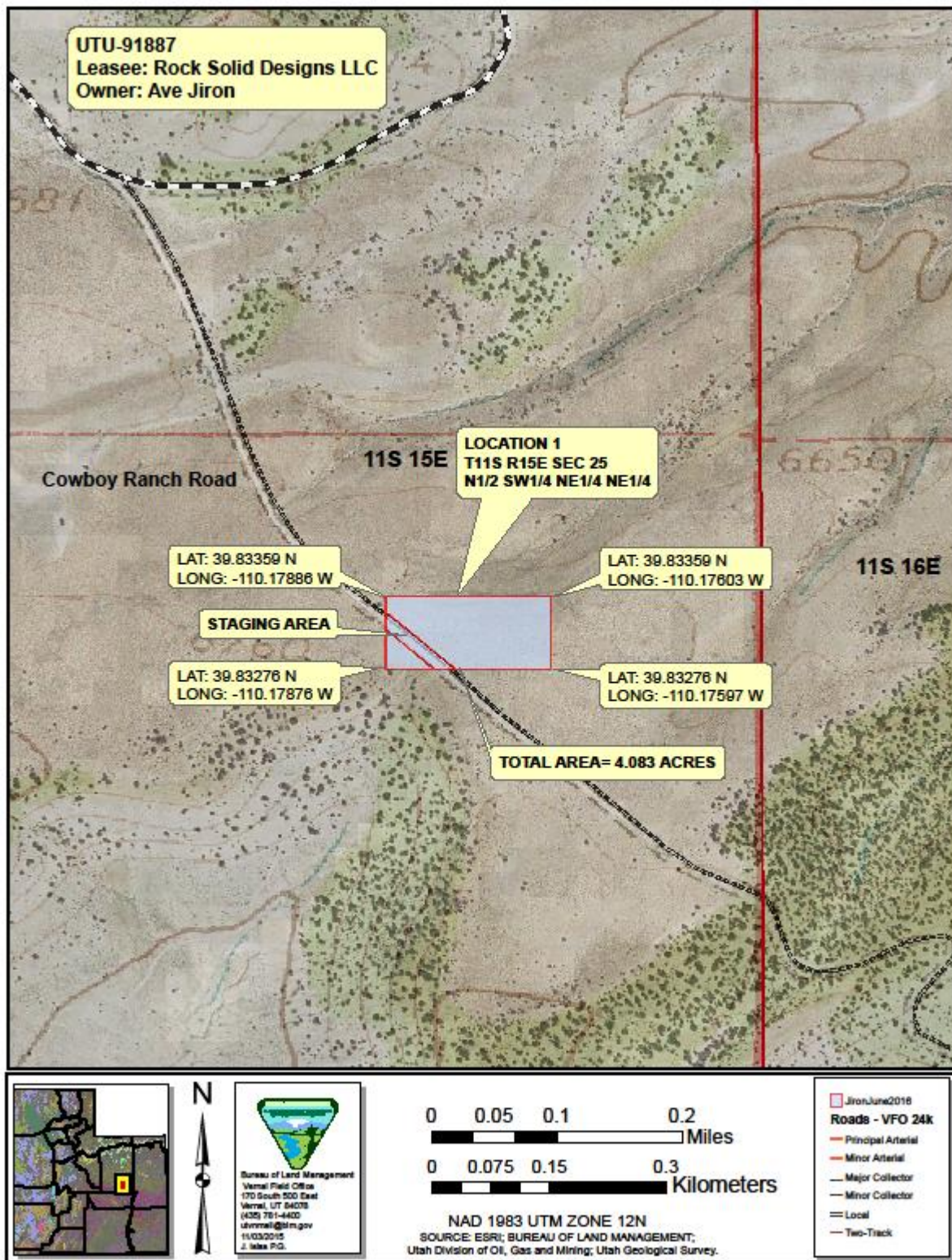


Figure 1. Site Location and Staging Area, UTU-91887.



UTU-91887 Site View North.



UTU-91887 Site View South.



UTU-91887 Site View East.



UTU-91887 Site View West.



UTU-91887 Site View Staging Area.